

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case

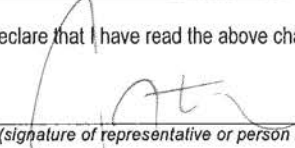
21-CA-154009

Date Filed

6-11-15

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Miller-Coors	b. Tel. No. 626-969-8811
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 15801 E. First Street Irwindale, CA 91706-2069	e. Employer Representative Joyce Lyles Senior Human Resources Manager
	g. e-Mail
	h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Plant	j. Identify principal product or service Beer
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the past six (6) months, the above-referenced Employer has engaged in bad faith bargaining by, among other acts, failing and refusing to process contractual grievances through the grievance and arbitration procedures in the parties' Collective Bargaining Agreement. Within the past six (6) months, the above-named Employer has threatened, coerced and restrained employees in violation of Section 8(a)(1) of the Act by engaging in the above-described conduct.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) International Brotherhood of Electrical Workers, Local Union 2295	
4a. Address (Street and number, city, state, and ZIP code) 3556 Lexington Avenue, 2nd Floor El Monte, CA 91731	4b. Tel. No. 626-454-4393
	4c. Cell No.
	4d. Fax No. 626-454-4396
	4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) International Brotherhood of Electrical Workers	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By  (signature of representative or person making charge)	Jeffrey L. Cutler (Print/type name and title or office, if any)
Address 16501 Ventura Blvd., Suite 304, Encino, CA 91436	6/8/15 (date)
	Tel. No. 818-501-8030, ext. 322
	Office, if any, Cell No.
	Fax No. 818-501-5306
	e-Mail jcutler@wkpyc.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
888 S Figueroa St Fl 9
Los Angeles, CA 90017-5449

Agency Website: www.nlrb.gov
Telephone: (213)894-5200
Fax: (213)894-2778



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June 11, 2015

MILLER-COORS
15801 EAST FIRST STREET
IRWINDALE, CA 91706-2069

Re: MILLER-COORS
Case 21-CA-154009

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney LISA MCNEILL whose telephone number is (213)894-5215. If this Board agent is not available, you may contact Deputy Regional Attorney NEIL WARHEIT whose telephone number is (213)894-5230.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Olivia Garcia". The signature is fluid and cursive, with the first name "Olivia" and last name "Garcia" clearly distinguishable.

/s/OLIVIA GARCIA
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

OG/hta



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June 11, 2015

DAVID CLAY, BUSINESS MANAGER
INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, LOCAL 2295, AFL-CIO
3556 LEXINGTON AVENUE
EL MONTE, CA 91731

Re: MILLER-COORS
Case 21-CA-154009

Dear Mr. Clay:

The charge that you filed in this case on June 11, 2015 has been docketed as case number 21-CA-154009. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney LISA MCNEILL whose telephone number is (213)894-5215. If this Board agent is not available, you may contact Deputy Regional Attorney NEIL WARHEIT whose telephone number is (213)894-5230.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

June 11, 2015

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlrb.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Olivia Garcia". The signature is fluid and cursive, with the first name "Olivia" and last name "Garcia" clearly distinguishable.

/s/OLIVIA GARCIA
Regional Director

Enclosures

cc: JEFFREY L. CUTLER, ATTORNEY AT LAW
WOHLNER KAPLON PHILLIPS YOUNG & CUTLER
16501 VENTURA BOULEVARD, SUITE 304
ENCINO, CA 91436-2067

Copy of charge only sent to:

EDWIN D. HILL, INTERNATIONAL PRESIDENT
CARMELLA L. THOMAS, DIRECTOR OF ORGANIZING
PROFESSIONALS & INDUSTRIAL BRANCH
INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, AFL-CIO
900 SEVENTH STREET, NW
WASHINGTON, DC 20001

OG/hta

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Miller_Coors
Charged Party
and
International Brotherhood of Electrical Workers, Local Union 2295, AFL-CIO
Charging Party

CASE 21-CA-154009

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Miller_Coors

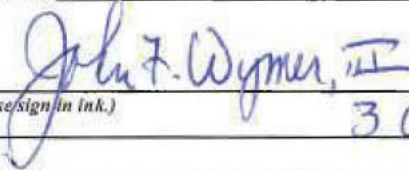
IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: John F. Wymer, III	
MAILING ADDRESS: 1555 Peachtree Street NE, Suite 850, Atlanta, GA, 30309	
E-MAIL ADDRESS: jwymer@shermanhoward.com	
OFFICE TELEPHONE NUMBER: (404) 567-4376	
CELL PHONE NUMBER: (404) 402-7299	FAX: (404) 567-4416
SIGNATURE: 	
DATE: 30 June 2015	

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



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July 21, 2015

JOHN F. WYMER, III, ATTORNEY AT LAW
SHERMAN & HOWARD, LLC
1555 PEACHTREE STREET NE, SUITE 850
ATLANTA, GA 30309

Re: MILLER-COORS
Case 21-CA-154009

Dear Mr. Wymer III:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/

OLIVIA GARCIA
Regional Director

cc: DAVID CLAY, BUSINESS MANAGER
INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, LOCAL 2295, AFL-CIO
3556 LEXINGTON AVENUE
EL MONTE, CA 91731

JEFFREY L. CUTLER, ATTORNEY AT LAW
WOHLNER KAPLON PHILLIPS YOUNG & CUTLER
16501 VENTURA BOULEVARD, SUITE 304
ENCINO, CA 91436-2067

MILLER-COORS
15801 EAST FIRST STREET
IRWINDALE, CA 91706-2069

OG/wm